

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

JEFFERSON PAUL,

Plaintiff,

vs.

Case No:

THE UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

Plaintiff, JEFFERSON PAUL, sues Defendant, THE UNITED STATES OF AMERICA, and states the following:

JURISDICTION AND VENUE

1. This is a cause of action for damages brought pursuant to and in compliance with the Federal Tort Claims Act, 28 U.S.C. §§1346(b) and 2671-2680.
2. This Court has subject matter jurisdiction over claims against the United States, pursuant to 28 U.S.C. §1346(b).
3. 28 U.S.C. § 1367 provides, in part, the following: “the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution”. 28 U.S.C. § 1367.
4. Venue is proper in the United States District Court for the Southern District of Florida because all the facts and allegations that form the basis of this complaint occurred in Broward County, Florida.

5. At all times material hereto, the United States Postal Service has been a federally funded and operated department of the executive branch of the Defendant, THE UNITED STATES OF AMERICA.

6. 28 U.S.C. § 2671 provides, in part, the following: “[a]s used in this chapter and sections 1346 (b) and 2401 (b) of this title, the term “federal agency” includes the executive departments”. 28 U.S.C. § 2671.

7. Plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act. *See* Standard Form 95 attached as **Exhibit A**.

8. Plaintiff received correspondence from the United States Postal Service stating it had six months from April 28, 2021, to adjudicate this claim. *See* Correspondence attached as **Exhibit B**.

9. Plaintiff is now filing this Complaint pursuant to 28 U.S.C. § 2401(b) as six months have passed, and Plaintiff has received no further correspondence.

COUNT I – NEGLIGENCE CLAIM AGAINST THE UNITED STATES OF AMERICA

10. Paragraphs 1 – 9 are incorporated herein.

11. On or about November 21, 2019, Plaintiff, JEFFERSON PAUL, occupied a motor vehicle traveling near the intersection of Northeast 3rd Avenue and West Sample Road in Deerfield Beach, Broward County, Florida.

12. At that time and place, Dorise Lanessa Joseph negligently operated or maintained a motor vehicle so that it collided with Plaintiff’s motor vehicle.

13. At that time and place, Dorise Lanessa Joseph was driving a motor vehicle owned by the United States Postal Service.

14. At that time and place, Dorise Lanessa Joseph was operating the motor vehicle in the course and scope of her employment with Defendant, THE UNITED STATES OF AMERICA.

15. Accordingly, Defendant, THE UNITED STATES OF AMERICA, is vicariously liable for the negligence of Dorise Lanessa Joseph in the operation of said motor vehicle.

16. As the direct and proximate result of the negligence of Dorise Lanessa Joseph, Plaintiff, JEFFERSON PAUL, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, JEFFERSON PAUL, demands judgment for damages against Defendant, THE UNITED STATES OF AMERICA.

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted this 12 day of April, 2022.

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